

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
At Albuquerque NM

SEP 30 2014

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 1:14-MJ-03093

LEON TAFOYA,

Defendant.

**ORDER FOR MENTAL COMPETENCY EXAMINATION
PURSUANT TO 18 U.S.C. § 4241**

THE COURT FINDS, pursuant to 18 U.S.C. 4241(a), that based on the representations of defense counsel there is a reasonable basis for concluding that Mr. Tafoya lacks an adequate understanding of the nature of the charges or the consequences of the proceedings against him and that Mr. Tafoya does not have the present ability to consult with his appointed counsel with a rational degree of understanding.

THEREFORE IT IS ORDERED, pursuant to 18 U.S.C. § 4241(b) that the Defendant, Leon Tafoya, shall be evaluated by Dr. Eric Westfried (a forensic psychologist who has been previously approved by the Clerk of the Court for conducting evaluations) to determine his competence to stand trial;

IT IS FURTHER ORDERED that Dr. Westfried should prepare an evaluation report to be filed with the Court which addresses the following concerns:

- 1) Does Mr. Tafoya suffer from a mental disease or defect which prevents or impairs his ability to understand the nature of the charges and the consequences of the proceedings or to consult with his lawyer with a reasonable degree of rational understanding as defined by 18 U.S.C. 4241(d); and
- 2) If so, is there is a substantial probability that, in the foreseeable future, Mr. Tafoya will attain the capacity to permit him to proceed, as defined by 18 U.S.C. 4241(d)(1).

IT IS FURTHER ORDERED, pursuant to 18 U.S.C.3161(h)(1)(A), that any period of delay resulting from the time of the filing of this order through, and including, the termination of any proceeding, including any examination or hearing, to determine Mr. Denetdeal's mental competence or physical capacity shall be excluded in computing the time within which the trial of this case must commence under the Speedy Trial Act;

IT IS FURTHER ORDERED that the Clerk of the Court is directed to appoint Dr. Eric Westfried and to deliver a copy of this Order to Dr. Westfried and to the United States Marshal Service in order to assist in the prompt completion of the competency evaluation.

IT IS SO ORDERED.



HONORABLE STEVEN C. YARBROUGH
United States Magistrate Judge

Submitted by:
Alonzo J. Padilla, AFD
Attorney for Defendant

Approved by:
Novaline Wilson, AUSA
Attorney for Plaintiff